

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

CASE NO: 88-0079-CR-HOEVELER

Plaintiff,

vs.

MANUEL ANTONIO NORIEGA,

Defendant.

**ORDER GRANTING, IN PART, DEFENDANT'S EMERGENCY MOTION  
FOR STAY OF EXTRADITION**

THIS CAUSE comes before the Court on the Defendant's Emergency Motion for Stay of Extradition, filed on this date. The Court has reviewed the motion. Based upon the representations of defense counsel that the Defendant is scheduled to be released tomorrow, i.e., earlier than the originally announced date of September 9, 2007, and based upon the allegations made in the Defendant's Petition for Writ of Habeas Corpus filed today which have, as of this moment, not yet been responded to specifically by the United States, it is hereby

ORDERED that the Defendant's Emergency Motion for Stay is GRANTED, in part. The United States is directed to preserve the Defendant's status until further ruling from this Court. Further, it is

ORDERED that the Defendant shall produce credible evidence to support the allegations made in his Petition, specifically evidence that demonstrates that France presently does not intend to abide by the Geneva Convention Relative to the Treatment

of Prisoners of War, August 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 ("Convention") in its treatment of the Defendant. Defendant shall produce this evidence no later than 9:00 a.m. on September 6, 2007, or provide affidavits attesting to the Defendant's efforts to obtain such evidence in the event that Defendant is unable to meet that deadline.

In addition, the United States is directed to respond to the Defendant's pending Petition, including any evidence submitted by Defendant, no later than 12:00 p.m. on September 6, 2007. To the extent that the United States is unable to confirm current compliance with Article 12 of the Convention, this Court will require that the confidential communications between France and the United States, upon which the United States relies for its assertions that it "has satisfied itself of the willingness and ability of [France] to apply the Convention," be produced. To preserve the confidential and diplomatic nature of such communications, this Court simply will review the communications privately, and will return them immediately to the Assistant United States Attorney – who may deliver them personally to the Court. The documents will not be made available to the public, nor to the Defendant, absent the agreement of the United States.

DONE AND ORDERED in chambers in Miami, Florida, this 5th day of September, 2007.

  
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WILLIAM M. HOEVELER  
Senior United States District Judge

Copies to:

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Jon May